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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,771	01/30/2004	Dipankar Bhattacharya	3-5-8-1-25	7070
7590 01/06/2005				
Ryan, Mason & Lewis, LLP				
90 Forest Avenue				
Locust Valley, NY 11560				
		EXAMINER		
		EASTHOM, KARL D		
		ART UNIT		
		2832		
		PAPER NUMBER		

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/768,771		BHATTACHARYA ET AL.	
	Examiner		Art Unit	
	Karl D Easthom		2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 6-10 and 15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/30/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's election with traverse of Group I, claims 1-17 in the reply filed on 11/17/2004 is acknowledged. The traversal is on the ground(s) that a similar search can be made for the two inventions. This is not found persuasive because similar searches are often involved in independent and distinct inventions but the examiner is allotted time for only one such invention per production unit creating a serious burden in analysis and otherwise.

The requirement is still deemed proper and is therefore made FINAL.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 11, and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Aleksandravicius et al. Aleksandravicius discloses the claimed invention at Fig. 9, with resistor body comprising two portions, that of 61 and that part of the portion 60 to the right of where 50, 51, and 52 connects to same, terminals 60, 62, (that is, the terminal is the remaining portion of 60 to the left of where elements 50-52 connect). That is, col. 3, lines 55-60 describe forming the resistor and termination out of the same layer 30 at Fig. 9. Therefor, as is typical in the resistor arts, an end portion of the resistor 60, 62 is its terminal or termination. It has a finite resistance, with the resistance between conductive paths dependent upon how one defines the conductive paths. They are defined as noted above where there are an infinite number of conductive paths possible from the region 60 to the regions 61. The at least first and second conductive paths are the two paths defined as paths above and below where terminal 51 exists and flowing from left to right. Of course the resistance is substantially or exactly matched

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since it is the same material and the same length along the terminal 60 as along the resistor body 60,61. In claim 2, one of the paths includes terminal 51. In claim 3, 50 and 51 comprises one of the paths. In claim 4, the whole piece of metal is a resistive element that includes terminals that are one piece with same. In claim 5, the whole device can be rotated so that the left end is above, or on top, for example. For claim 11, see remarks above where the matching is as noted. In claims 13-14, see col. 1, lines 40-50 for the integrated circuit such as a MOSFETS, etc. The substrate is the silicon wafer at col. 1, lines 40-65.

4. Claims 6-10 and 15-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. Primarily, the resistive element in the claimed combination including alternating higher level and lower level conductors connected together by a plurality of conductive vias, the resistance element being substantially matched to the resistor body as claimed is not disclosed or suggested. It is also noted that the term "substantially matched" is included in the specification whereat the current in the two branches is nearly 49% and 51% respectively, at col. 11, lines 8-13.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aleksandravicius et al. in view of Greitschus et al. The claimed invention is disclosed except the materials.


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Greitschus discloses semiconductor material for a ladder network similar to that of Aleksandravicius employing a generic semiconductor material and metal 6, 8 for the terminals so that such a combination would have been obvious where polysilicon is a known resistor material and Aleksandravicius discloses at col. 1 any type of resistor material can be employed at col. 1, lines 60-65. Applicant also admits at col. 4, lines 19-20 that polysilicon resistors are known in the art.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D Easthom whose telephone number is (571) 272-1989. The examiner can normally be reached on M-Th, 5:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Karl D Easthom
Primary Examiner
Art Unit 2832

KDE